

105TH CONGRESS
1ST SESSION

H. R. 2194

To provide for telephone access to the FBI database that tracks the movement and whereabouts of sexual offenders.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. SHERMAN (for himself, Mr. LIPINSKI, Mr. FROST, Mr. HASTINGS of Florida, Mr. WALSH, Ms. LOFGREN, Mrs. KELLY, Mr. ABERCROMBIE, Mr. LaFALCE, Ms. MILLENDER-McDONALD, Mr. McKEON, Mr. KLINK, Mr. DAVIS of Illinois, Mr. BURR of North Carolina, Mr. BILBRAY, Mr. FRANKS of New Jersey, Mr. TORRES, Mr. BROWN of California, Ms. HARMAN, Mr. FAZIO of California, Ms. ROS-LEHTINEN, Ms. CARSON, Mr. DIAZ-BALART, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, and Mr. SANDLIN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for telephone access to the FBI database that tracks the movement and whereabouts of sexual offenders.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Protection Act
5 of 1997”.

1 **SEC. 2. ESTABLISHMENT OF TELEPHONE ACCESS TO**
2 **DATABASE.**

3 Subtitle A of title XVII of the Violent Crime Control
4 and Law Enforcement Act of 1994 (42 U.S.C. 14071 et
5 seq.) is amended by adding at the end the following new
6 section:

7 **“SEC. 170103. TELEPHONE ACCESS TO FBI DATABASE.**

8 “(a) ESTABLISHMENT.—(1) The Attorney General
9 shall establish, publicize, and operate a national telephone
10 service by which a person (as defined in subsection (f)(2))
11 may request the information described in paragraph (2).

12 “(2) The information described in this paragraph is
13 whether an individual (as defined in subsection (f)(3)),
14 other than a victim of an offense that requires registration
15 under this subtitle, is listed in the database established
16 under section 170102.

17 “(b) DESCRIPTION OF INDIVIDUAL.—The Attorney
18 General shall not disclose the information described in
19 subsection (a)(2) unless the person seeking such informa-
20 tion provides his or her full name, the full name of the
21 individual, and one or more of the following:

22 “(1) The address of the individual’s residence.

23 “(2) The individual’s Social Security number.

24 “(3) The individual’s driver’s license number or
25 the number the identification card issued by State or
26 local authorities in lieu of a driver’s license.

1 “(4) The individual’s date of birth.

2 “(5) Such other information as the Attorney
3 General determines to be appropriate for purposes of
4 identification of the individual.

5 “(c) NOTICE TO CALLER.—Prior to disclosing infor-
6 mation described in subsection (a)(2), and without charg-
7 ing a fee for the same, the Attorney General shall provide
8 the following general information in the form of a recorded
9 message:

10 “(1) The requirements described in subsection
11 (b).

12 “(2) The fee for the use of the telephone serv-
13 ice.

14 “(3) A warning that information received pur-
15 suant to such request may not be misused, as de-
16 scribed in subsection (e), and notice of the penalties
17 for such misuse of the information.

18 “(4) A warning that the service is not be avail-
19 able to persons under 18 years of age.

20 “(5) Such other information as the Attorney
21 General determines to be appropriate.

22 “(d) FEES FOR USE OF SERVICE.—

23 “(1) FEE FOR ACCESS TO INFORMATION IN
24 DATABASE.—The Attorney General shall charge a

1 fee for each use of the service for information de-
2 scribed in subsection (a) from the service.

3 “(2) LIMITATION ON NUMBER OF REQUESTS.—

4 A person may not make more than two requests for
5 such information per use of the service.

6 “(3) USE OF FEES TO DEFRAY EXPENSES OF
7 SERVICE.—Moneys received under paragraph (1)
8 shall be used to pay for the expenses of the oper-
9 ation of the service.

10 “(4) SURPLUS FUNDS FROM FEES.—With re-
11 spect to any money remaining after the payment of
12 the expenses of the operation of the service, the At-
13 torney General shall—

14 “(A) deposit such money in the general
15 fund of the Treasury; or

16 “(B) use such money to reduce the amount
17 of the fee charged under this subsection.

18 “(e) PENALTIES FOR MISUSE OF INFORMATION.—

19 “(1) PROHIBITIONS.—Whoever, having obtained
20 information described in subsection (a)(2) from the
21 service, knowingly uses such information—

22 “(A) for any purpose other than to protect
23 a minor at risk; or

1 “(B) with respect to insurance, housing, or
2 any other use that the Attorney General may
3 determine—

4 “(i) is unnecessary for the protection
5 of a minor at risk or;

6 “(ii) which creates a disproportionate
7 prejudicial effect,

8 shall be punished as provided in paragraph (2).

9 “(2) CIVIL PENALTY.—Each person who vio-
10 lates the provisions of paragraph (1) shall be subject
11 to a civil penalty imposed by the Attorney General
12 of not more than \$1,000 for each violation.

13 “(f) DEFINITIONS.—As used in this section:

14 “(1) MINOR AT RISK.—The term ‘minor at risk’
15 means a minor, as that term is defined in section
16 2256(1) of title 18, United States Code, who is or
17 may be in danger of becoming a victim of an offense,
18 for which registration is required under this subtitle,
19 by an individual about whom the information de-
20 scribed in subsection (a)(2) is sought.

21 “(2) PERSON.—The term ‘person’ means a per-
22 son who requests the information described in sub-
23 section (a)(2).

1 “(3) INDIVIDUAL.—The term ‘individual’ means
2 an individual who is required to register under this
3 subtitle.”.

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